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EXAMINER

PARTON, KEVIN S

ART UNIT

PAPER NUMBER

2153

DATE MAILED: 05/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/409,627

Applicant(s)

MANN ET AL.

Examiner

Kevin Parton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 04/01/2003 have been fully considered but they are not persuasive. Please see the following reasons and the associated rejection below.
2. Applicant argues "Thus, the MPEP...and 22 obvious" (page 6, paragraph 1 – page 7, paragraph 1). The argument is not persuasive because the Hunter reference teaches a system for alert detection. The configuration parameters passed to devices in the network allow them to determine and notify a central server when their peripherals are operating out of "normal operating parameters" (abstract). This is an alert, and the configuration data sent to the client is an alert detection parameter. The combination of this alert detection parameter with the system of Reichmeyer et al. (USPN 6,286,038) is obvious because it benefits the system to include alert detection as part of the initial setup of a device. This allows alert detection to begin immediately without intervention by operators. The combination and associated motivation is repeated below.
3. Applicant further argues "Claims 2 and...and 23 obvious" (page 7, paragraph 2 – page 8, paragraph 1). The argument is not persuasive for all the reasons stated above in reference to the system of Hunter. The Cromer reference is used in combination with Reichmeyer et al. (USPN 6,286,038) and Hunter as shown below.
4. Please note that although the amendment removed the management parameter specifically from the claim, the alert detection parameter is still a type of management parameter. The Reichmeyer et al. (USPN 6,286,038) reference is still valid as shown below.

*Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2, 5-17, 19, 20, 22, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reichmeyer et al. in view of Hunter et al.

7. Regarding claims 1, 19, and 22, Reichmeyer et al. teach a system for configuration of a network device comprising:

- a. means for dynamically obtaining at least one management parameter from a first server (column 6, lines 7-13)
- b. means for dynamically obtaining configuration data from a remote proxy (here referred to as alert proxy) using the at least one obtained management parameter (column 6, lines 7-13; column 4, lines 38-43); and
- c. means for automatically configuring the client device using the dynamically obtained configuration data (column 12, lines 41-42)

Although the system disclosed by Reichmeyer et al. shows substantial features of the claimed invention, it fails to disclose:

- a. means for dynamically obtaining at least one alert detection parameter from a first server

Nonetheless, this feature is well known in the art and would have been an obvious modification to the system disclosed by Reichmeyer et al., as evidenced by Hunter et al.

In an analogous art, Hunter et al. disclose a system for monitoring alert notification to a server for client devices comprising:

- a. means for dynamically obtaining at least one alert detection parameter from a first server (column 4, lines 11-16).

Given the teaching of Hunter et al., a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Reichmeyer et al. (USPN 6,286,038) by employing an alert detection parameter with the at least one management parameter. This benefits the system by allowing the device to be easily monitored locally.

8. Regarding claim 2, although the system disclosed by Reichmeyer et al. (as applied to claim 1) shows substantial features of the claimed invention, it fails to disclose:

- a. means wherein the automatically configuring the client device using the dynamically obtained configuration data further comprises enabling the client device to detect alerts.

In an analogous art, Hunter et al. disclose a system for monitoring of client devices on a network comprising:

- a. means wherein the automatically configuring the client device using the dynamically obtained configuration data further comprises enabling the client device to detect alerts (column 11, line 63 – column 12, line 10).

Given the teaching of Hunter et al., a person of ordinary skill in the art would have readily recognized the benefit of configuring the clients of Reichmeyer et al. to monitor and report on events. This benefits the system by allowing aberrant events or alerts to be reported to the central server or alert proxy.

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9. Regarding claim 5, the systems disclosed by Reichmeyer et al. and Hunter et al. teach all the limitations as specified above. Reichmeyer et al. further teach a system wherein the first server operates according to a dynamic host control protocol (column 3, line 55 – column 4, line 30). The configuration information server is analogous to the first server of the claim.

10. Regarding claim 6, Reichmeyer et al. discloses a system for network device configuration comprising:

- a. means wherein the at least one management parameter is requested by the client device from the first server (column 4 lines 14-17).

Although the system disclosed by Reichmeyer et al. shows substantial features of the claimed invention, it fails to disclose:

- a. means wherein the at least one alert detection parameter is requested by the client device from the first server.

Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Reichmeyer, as evidenced by Hunter et al.

In an analogous art, Hunter et al. disclose a system for monitoring alert notification to a server for client devices comprising:

- a. means wherein at least one alert detection parameter is requested by the client device from the first server (column 15, lines 11-14).

Given the teaching of Hunter et al., a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Reichmeyer et al. by obtaining the at least one alert detection and management parameter from a single, two logically, or two

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physically separated servers. This benefits the system by separating functions onto separate servers to increase efficiency and/or reliability.

11. Regarding claim 7, the systems disclosed by Reichmeyer et al. and Hunter et al. teach all the limitations as specified above. Reichmeyer et al. further teach a system wherein the at least one alert detection parameter is requested by the client device using the options field of a dynamic host control protocol (DHCP) message (column 4 lines 34-38).

12. Regarding claims 8, 20, and 24, Reichmeyer et al. disclose a system for network device configuration comprising:

- a. means wherein dynamically obtaining by the client device the at least one alert detection parameter further comprises dynamically obtaining a configuration server address (column 6, lines 7-13).

Although the system disclosed by Reichmeyer et al. shows substantial features of the claimed invention, it fails to disclose:

- a. means wherein dynamically obtaining by the client device the at least one alert detection parameter further comprises obtaining at least one of an alert destination address, watchdog interval, and heartbeat interval.

Nonetheless, these features are well known in the art and would have been an obvious modification to the system disclosed by Reichmeyer et al, as evidenced by Hunter et al.

In an analogous art, Hunter et al. disclose a system for monitoring alert notification to a server for client devices comprising:

- a. means wherein dynamically obtaining by the client device the at least one alert detection and management parameter further comprises obtaining at least one of an

alert destination address (column 11, line 63- column 12, line 10), watchdog interval, and heartbeat interval.

Given the teaching of Hunter et al., a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Reichmeyer et al. by including the alert monitoring server address, or alert destination address, in the initial communication and configuration. This benefits the system by allowing the configured device to begin detecting and sending alerts without further configuration. Please note that any of a number of configuration values could be included.

13. Regarding claim 9, Reichmeyer et al. disclose a system for network device configuration comprising:

- a. means wherein the configuration file address uniquely identifies the remote configuration file server on the network (column 6, lines 7-13; column 4, lines 38-43).

Although the system disclosed by Reichmeyer et al. shows substantial features of the claimed invention, it fails to disclose:

- a. means wherein the alert destination file address uniquely identifies the remote alert proxy on the network.

In an analogous art, Hunter et al. disclose a system for monitoring alert notification to a server for client devices comprising:

- a. means wherein the alert destination file address uniquely identifies the remote alert proxy on the network (column 11, line 63 – column 12, line 10).



Given the teaching of Hunter, a person having ordinary skill in the art would have readily recognized the desirability and advantages of including the address of an alert proxy with the location of the configuration file of Reichmeyer et al. This benefits the system by allowing aberrant events or alerts to be reported to the central server or alert proxy.

14. Regarding claim 10, Reichmeyer et al. and Hunter et al teach all the limitations of claims 1, but do not specify that the configuration data is dynamically obtained from a remote alert proxy through a remote management and control protocol (RMCP).

A person having ordinary skill in the art would have readily recognized the desirability and advantages of specifying that the configuration data is dynamically obtained from a remote alert proxy through a remote management and control protocol (RMCP). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use any industry standard messaging that would facilitate the necessary information exchange. One would have been motivated to do this in order to make the system operate on any of a number of standard networks employing any of a number of different communication protocols.

15. Regarding claim 11, Reichmeyer et al. disclose a system for network device configuration comprising:

- a. means for receiving by a proxy (referred to as an alert proxy), a configuration data request from a client device (column 4, lines 41-43)
- b. means wherein the configuration data request is being submitted by the client device using at least one dynamically obtained management parameter (column 6, lines 7-13, column 4, lines 38-40); and

- c. means for providing the requested configuration data to the client device to enable the client device to be automatically configured (column 4, lines 41-43).

Although the system disclosed by Reichmeyer et al. shows substantial features of the claimed invention, it fails to disclose:

- a. means wherein the configuration data request is being submitted by the client device using at least one dynamically obtained alert detection parameter.

In an analogous art, Hunter et al. disclose a system for monitoring alert notification to a server for client devices comprising:

- a. means wherein the configuration data request is being submitted by the client device using at least one dynamically obtained alert detection parameter (column 15, lines 11-14).

Given the teaching of Hunter et al., a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Reichmeyer to include alert detection parameters with the standard network configuration. This benefits the system by allowing the configured device to begin detecting and sending alerts without further configuration.

16. Regarding claim 12, Reichmeyer et al. teach all the limitations of the claim with the exception of specifying that the alert detection come from a second server.

A person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Reichmeyer et al. (USPN 6,286,038) by employing two logically or physically separated servers for the delivery of the parameter and the delivery of the configuration file. This benefits the system by increasing reliability and efficiency of the system.

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17. Regarding claim 13, the systems disclosed by Reichmeyer et al. and Hunter et al. teach all the limitations as specified above. Reichmeyer et al. further teach a system wherein the second server operates according to a dynamic host control protocol (DHCP) (column 3, line 55 – column 4, line 30). The configuration information server is analogous to the second server of the claim.

18. Regarding claim 14, Reichmeyer et al. disclose a system for network device configuration comprising:

- a. means wherein the at least one dynamically obtained alert detection parameter includes a configuration file destination address (column 6, lines 7-13).

Although the system disclosed by Reichmeyer et al. shows substantial features of the claimed invention, it fails to disclose:

- a. means wherein the at least one dynamically obtained alert detection parameter includes at least one of a dynamically obtained alert destination address, watchdog interval and heartbeat interval.

Nonetheless, these features are well known in the art and would have been an obvious modification to the system disclosed by Reichmeyer et al, as evidenced by Hunter et al.

In an analogous art, Hunter et al. disclose a system for monitoring alert notification to a server for client devices comprising:

- a. means wherein the at least one dynamically obtained alert detection parameter includes at least one of a dynamically obtained alert destination address (column 11, line 63- column 12, line 10), watchdog interval and heartbeat interval.

Given the teaching of Hunter et al., a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Reichmeyer et al. by including the alert monitoring server address, or alert destination address, in the initial communication and configuration. This benefits the system by allowing the configured device to begin detecting and sending alerts without further configuration. Please note that any of a number of configuration values could be included.

19. Regarding claim 15, Reichmeyer et al. and Hunter et al. teach all the limitations of the claim as specified above. Reichmeyer further teaches means wherein the dynamically obtained alert destination address uniquely identifies the first server on the network (column 6, lines 7-13; column 4, lines 38-43). Note that the 'first server' on the network is the one that houses configuration information for the client.

20. Regarding claim 16, Reichmeyer et al. and Hunter et al teach all the limitations of claim 11, but do not specify that the configuration data is provided to the client device through a remote management and control protocol (RMCP).

A person having ordinary skill in the art would have readily recognized the desirability and advantages of specifying that the configuration data is provided to the client device through a remote management and control protocol (RMCP). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use any industry standard messaging that would facilitate the necessary information exchange. This benefits the system by allowing it to operate on any of a number of standard networks employing any of a number of different communication protocols.

21. Regarding claim 17, Reichmeyer et al. (as applied to claim 11) shows a system substantially similar to the claimed invention but fails to show:

- a. means wherein the providing the requested configuration data to the client device to enable the client device to be automatically configured further comprises enabling the client device to detect alerts.

In an analogous art, Hunter et al disclose configuration of newly integrated clients to monitor and control connected network devices comprising:

- a. means wherein the providing the requested configuration data to the client device to enable the client device to be automatically configured further comprises enabling the client device to detect alerts(column 11, line 63 – column 12, line 10).

Given the teaching of Hunter et al., a person of ordinary skill in the art would have readily recognized the benefit of configuring the clients of Reichmeyer et al. to monitor and report on events. This benefits the system by allowing aberrant events or alerts to be reported to the central server or alert proxy.

22. Claims 3, 4, 18, 21, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reichmeyer et al. and Hunter et al. as applied to claims 1, 2, 5-17, 19, 20, 22, and 24-27 above, and further in view of Cromer et al.

23. Regarding claims 3 and 23, although Reichmeyer et al. and Hunter et al. show substantial features of the claimed invention (discussed above), they fail to disclose:

- a. Means for enabling the device to detect alerts while the device is in a reduced functional state

Nonetheless, these features are well known in the art and would have been an obvious modification to the system disclosed by Reichmeyer et al. in view of Hunter et al. as evidenced by Cromer et al.

In an analogous art, Cromer et al. teach a system comprising:

- a. Means for enabling a client device to detect alerts while the device is in a reduced functional state (column 3, lines 38-43).

Given the teaching of Cromer et al., a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Reichmeyer et al. in view of Hunter et al. by employing this system to allow for monitoring of alerts while the client CPU is down. This benefits the system by ensuring some level of alert detection while the client CPU was unavailable.

24. Regarding claims 4, 18, and 21, although Reichmeyer et al. and Hunter et al. show substantial features of the claimed invention (discussed above), they fail to disclose:

- a. Means for enabling the device to detect alerts while the device is in a reduced functional state wherein the reduced functional state includes an operating system unavailable state.

Nonetheless, these features are well known in the art and would have been an obvious modification to the system disclosed by Reichmeyer et al. in view of Hunter et al. as evidenced by Cromer et al.

In an analogous art, Cromer et al. teach a system comprising:

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- a. Means for enabling the device to detect alerts while the device is in a reduced functional state wherein the reduced functional state includes an operating system unavailable state (column 3, lines 38-43).


Given the teaching of Cromer et al., a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Reichmeyer et al. in view of Hunter et al. by employing this system to allow for monitoring of alerts while the client CPU is down. This powerless reduced functionality state encompasses operating system unavailable. This benefits the system by ensuring some level of alert detection while the client CPU was unavailable.

#### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Parton whose telephone number is (703)306-0543. The examiner can normally be reached on M-F 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703)305-4792. The fax phone numbers for the organization where this application or proceeding is assigned are (703)746-9242 for regular communications and (703)746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

  
GLENTON B. BURGESS  
SUPERVISORY PATENT EXAMINER  
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Examiner  
Art Unit 2153

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April 30, 2003